HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

W.A. No.567 OF 2007

Between:

K.Prakash Reddy and others
. . .Appellants

AND

The Government of Andhra Pradesh and others
. . .Respondents

:: JUDGMENT ::

Counsel for the appellants : Shri M.V.Rajaram

Counsel for respondent Nos.1 & 2 : Assistant Government Pleader for Revenue

Counsel for respondent Nos.3 & 4 : Shri K.V.Simhadri

12th July, 2007

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PER G.S.SINGHVI, CJ

This appeal is directed against order dated 02.04.2007 passed by the learned Single Judge in Writ Petition No.1238 of 2007 whereby he declined to entertain the appellants' prayer against threatened dispossession from land measuring Ac.4-12 cts. in Survey Nos.46/4, 46/5, 48 and 49 situated in Chinnagantyada Village and Mandal, Visakhapatnam District and issued the following direction:

> "Therefore, it would be in the interests of the parties to direct second respondent to conduct inspection along with Zonal Manager, APIIC, or other allottees, if any. It shall be open to the petitioners to produce material before the Inspecting team. If it is found that the petitioners are, in fact, in possession over subject land, as alleged, fourth respondent, to whom subject land was statedly transferred, has to take necessary action against the petitioners under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. If subject land continues to be poramboke (assessed waste dry), it is for second respondent to take necessary action in the matter, in which situation, if the petitioners are in possession of subject land as on today, as alleged, they cannot be evicted without due process of law."

After arguing the case for some time, Shri M.V.Rajaram made a request that his clients may be permitted to withdraw the appeal as also the writ petition with liberty to pursue their cause before the civil Court.

Learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 and 2 and Shri K.V.Simhadri, learned counsel appearing for respondent Nos.3 and 4 say that they do not have any objection if the request of the counsel for the appellants is accepted.

In view of the above, the writ appeal and Writ Petition No.1238 of 2007 are dismissed as withdrawn with liberty to the appellants to pursue their cause before the civil Court.

However, it is made clear that liberty given by the Court to the appellants to pursue their remedy before the civil Court shall not be construed as a mandate of this Court for passing an order in favour of the appellants and the concerned Court shall decide the matter without being influenced by the fact that this Court disposed of the writ petition by giving direction to which reference has been made hereinabove.

As a sequel to dismissal of the writ petition as withdrawn, WAMP No.1104 of 2007 filed by the appellants for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

12th July, 2007

C.V.NAGARJUNA REDDY, J

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